IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 90 (S/S) 2007

Smt. Manju Bhatt W/o Rajendra Bahuguna,
D/o late Sri Yogendra Prasad Bhatt,
Resident of House No.89, 40th Battalion, P.A.C.,
Haridwar, District Haridwar. .....Petitioner.

Versus

1. Commandant,
   40th Battalion, P.A.C., Haridwar,
2. State of Uttarakhand through Home Secretary.
   Govt. of Uttarakhand, Dehradun. .....Respondents.

Sri K.S. Bhaskar, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State,

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.S. Bhaskar, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State.

By means of this writ petition, the petitioner has prayed to quash the order dated 22nd January 2007 passed by Superintendent of Police (Karmik), Uttarakhand, Dehradun, by which the petitioner, who is working as Class IV employee in the 40th Battalion, P.A.C., Haridwar has been transferred to Tehri Garhwal.

The impugned transfer order has been assailed on the ground that the petitioner has filed a complaint case no. 742 of 2006 before the Chief Judicial Magistrate, Haridwar u/s 498-A, 323, 504, 506 I.P.C. and ¾ Dowry Prohibition Act against her husband Sri Rajendra Bahuguna. Further the petitioner has received threats from her husband who is residing at Tehri and, in case, the petitioner is forced to join at Tehri, her life will be in danger. The transfer order has been passed on 22nd January

2007. It is alleged by the petitioner that uncle of the husband of petitioner is the Gunner of Commandant, 40th Battalion P.A.C. Haridwar and this transfer order has been passed on the instigation of her husband so that he may harass the petitioner at Tehri. It is nowhere reflected from the transfer order that the same has been made on the instigation of the uncle of the petitioner's husband.

It is the prerogative of the Employer to transfer any employee in the public interest. However, considering the facts and circumstances of the case as the petitioner is residing at Haridwar and a litigation is going on between the petitioner and her husband at the local Court at Haridwar further the relations between the wife and husband are strained, it is desirable that the petitioner will make a representation raising all her grievances to the Competent Authority (who has passed the impugned transfer order), within a period of seven days from today and it is expected that the Authority concerned shall consider the grievances of the petitioner and may pass appropriate orders in accordance with law within a period of two weeks from the date of production of a certified copy of this order alongwith representation of the petitioner. Till the decision is taken on the representation of the petitioner or till 8th March 2007, the impugned transfer order dated 22nd January 2007 shall be kept in abeyance.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.).

February 14, 2007:
NCM: